

ORDINANCE 99-41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT OVER THE REAL PROPERTY LEGALLY DESCRIBED ON EXHIBIT "A" TO THIS ORDINANCE COMPRISING APPROXIMATELY 213 ACRES; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT AS JOURNEY'S END COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, The Westbrooke Companies, Inc., a Florida corporation ("Petitioner"), has petitioned Palm Beach County, Florida (the "county") to grant the establishment of the Journey's End Community Development District (the "District"); and

WHEREAS, a public hearing has been conducted by the Board of County Commissioners of Palm Beach County, Florida (the "Board") in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes, as amended and supplemented; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area; and

WHEREAS, the creation of the District is not inconsistent with any applicable element or portion of the effective Palm Beach County Comprehensive Land Use Plan, as amended; and

WHEREAS, the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and

WHEREAS, the creation of the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the proposed services and facilities to be provided by the District will be compatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the area that will be served by the District is amenable to separate special-district government; and

WHEREAS, the District desires to levy special assessments on purchasers of benefitted land within the district to pay for infrastructure constructed by the District; and

WHEREAS, the District shall acquire or construct potable water and wastewater facilities in accordance with the County's Water Utilities Department's standards and procedures to enable the County to provide potable water and wastewater services to the District; and

WHEREAS, the District does not have any zoning or development permitting power and the establishment of the District is not a development order; and

WHEREAS, all applicable planning and permitting laws, rules, regulations and policies control the development of the land to be serviced by the District; and

WHEREAS, the Board has considered the record of the public hearing and has decided that the establishment of the Journey's End Community Development District is the best alternative means to provide certain basic services to the community; and

WHEREAS, the Board finds that the Journey's End Community Development District shall have the general powers described in Section 190.011, Florida Statutes, as amended and supplemented.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:

Section 1: The Petition to establish the Journey's End Community Development District over the real property described in Exhibit "A" attached hereto, which was filed by

The Westbrooke Companies, Inc. on July 12, 1999, and which Petition is on file at the Office of the County Administrator, is hereby granted.

Section 2: The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit "B."

Section 3: The initial members of the Board of Supervisors shall be as follows:

Harold Eisenacher	The Westbrooke Companies, Inc. 9350 Sunset Drive, Suite 100 Miami, FL 33173
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Michael Levak	The Westbrooke Companies, Inc. 9350 Sunset Drive, Suite 100 Miami, FL 33173
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Russell Barnes	The Westbrooke Companies, Inc. 6285 Old Medinah Circle Lake Worth, FL 33463
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David Webber	The Westbrooke Companies, Inc. 621 N.W. 53 rd Street, Suite 240 Boca Raton, FL 33487
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Lani Kahn Drody	Lowell Homes, Inc. 80 S.W. 8 th Street, Suite 1870 Miami, FL 33130
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Section 4: The name of the District shall be "Journey's End Community Development District."

Section 5: The District is created for the purposes set forth in and prescribed in the petition.

Section 6: The Board hereby grants to the Journey's End Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, as amended and supplemented and hereby finds that it is in the public interest of citizens of the County to grant such general powers.

Section 7: Notwithstanding Section 6 as set forth hereinabove, Petitioner, acting on behalf of the landowners of the property encompassing the District, shall enter into a Standard Potable Water and Wastewater Development Agreement with the County for the provision of water and wastewater facilities. Petitioner shall pay all fees and charges as set forth in said Agreement and shall abide by all terms and conditions therein including, but not limited to, constructing or acquiring the water and wastewater facilities in accordance with

the Water Utilities Department's Uniform Policies and Procedures; providing the County with appropriate easements for said facilities; and providing the County with a deed to said water and wastewater facilities at no cost to County. Palm Beach County's Water Utilities Department shall operate and maintain said water and wastewater facilities and provide water and wastewater service upon receipt of all fees and charges, upon completion of construction; and upon receipt of said deed.

Section 8: Pursuant to Section 190.004(4), Florida Statutes, as amended and supplemented the charter for the Journey's End Community Development District shall be Sections 190.006 through 190.041, including the special powers provided by Section 190.012, Florida Statutes, as amended and supplemented.

Section 9: The District is solely responsible for the implementation of special assessments upon benefitted property within the District's internal boundaries and shall provide notice of said special assessments to all prospective purchasers of said property.

Section 10: The District shall provide full disclosure of the public financing and maintenance of improvements undertaken by the District. This disclosure shall include a statement in bold print that special assessments imposed by the District will appear in the tax bill. This disclosure shall meet the requirements of Section 190.048, F.S. (1999), as amended and supplemented and shall be included in every contract for sale and in every recorded deed.

Section 11: The District shall disclose the fact that this is a special taxing district and that a special assessment will be assessed on the tax roll against all property owners within the District. This information shall be in BOLD type on all sales brochures and on all sales information. In addition a 24" by 36" sign shall be posted at all times at the entrance to the sales office providing this disclosure.

Section 12: The District shall submit to the Palm Beach County Monitoring Section of the Planning, Zoning and Building Department, on an annual basis beginning on November 1, 1999, copies of the disclosures and documents required by Sections 10 and 11 above. This submittal shall continue until all units have been sold.

Section 13: If any clause, or other part or application of this ordinance shall be held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications which shall remain in full force and effect.

Section 14: This ordinance shall take effect upon filing with the Department of State, per Section 125.66, Florida Statutes, as amended and supplemented.

APPROVED AND ENACTED by the Board of County Commissioners of Palm Beach County, Florida, on this 28 day of September, 1999

ATTEST:

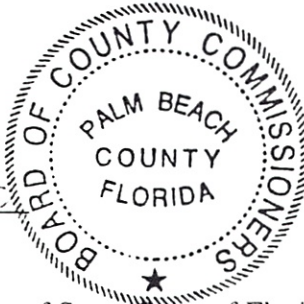
PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: Alexander R. Moree
Deputy Clerk

By: Maudie Ford Lee
Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Denton C. Allen
County Attorney



Acknowledged by the Department of State, State of Florida, on the 7th day of
October, 1999.

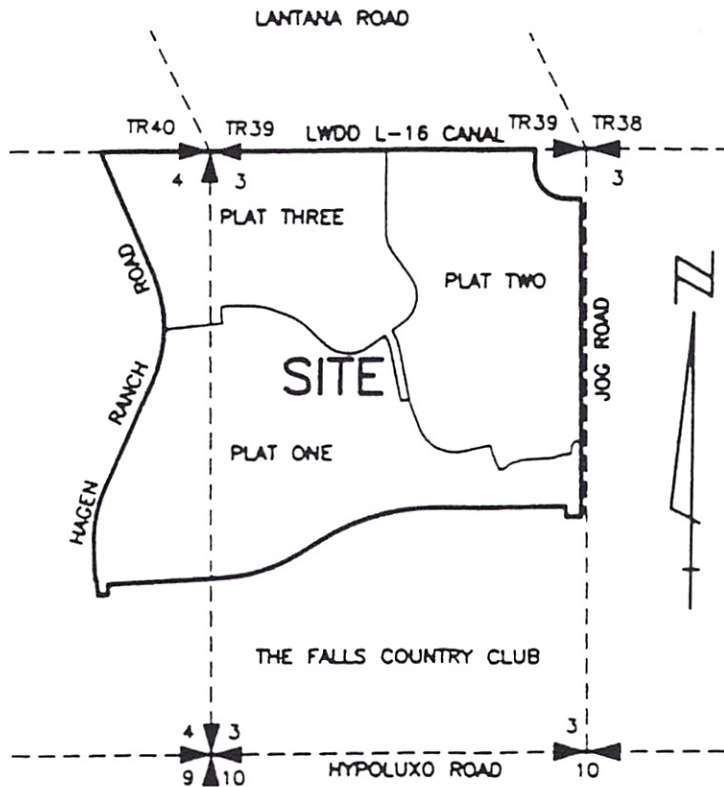
LEGAL DESCRIPTION: JOURNEY'S END P.U.D.

BEING A PORTION OF SECTION 3 AND 4, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF BLOCKS 38 AND 39, AS SHOWN ON PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID PALM BEACH COUNTY, FLORIDA, AND AS CORRECTED TO TRACTS 1 THROUGH 16, INCLUSIVE, BLOCK 38 AND TRACTS 1 THROUGH 9, INCLUSIVE, BLOCK 39 AS SHOWN ON PLAT OF PLAT NO. 13 AS RECORDED IN PLAT BOOK 6, PAGE 98 AND 99 OF SAID PUBLIC RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4, THENCE NORTH 89°15'59" EAST, ALONG THE NORTH LINE OF SECTION 3, A DISTANCE OF 2349.84 FEET; THENCE SOUTH 00°44'01" EAST, A DISTANCE OF 134.74 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 231.70 FEET AND A CENTRAL ANGLE OF 90°03'12"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 364.17 FEET; THENCE NORTH 89°12'47" EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 104.79 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, AT WHICH POINT THE RADIUS BEARS SOUTH 88°01'38" WEST, HAVING A RADIUS OF 1577.02 FEET AND A CENTRAL ANGLE OF 01°11'09"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 32.64 FEET; THENCE SOUTH 00°47'13" EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, SAME LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 1207 ON PAGE 361, A DISTANCE OF 2315.05 FEET; THENCE SOUTH 89°12'47" WEST, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF THE FALLS COUNTRY CLUB AS RECORDED IN PLAT BOOK 61, PAGES 177 THROUGH 179, INCLUSIVE, OF THE SAID PUBLIC RECORDS; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID FALLS COUNTRY CLUB THE FOLLOWING NINE COURSES; THENCE SOUTH 89°12'47" WEST, A DISTANCE OF 75.00 FEET; THENCE NORTH 00°47'13" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 89°12'47" WEST, A DISTANCE OF 971.79 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1493.63 FEET AND A CENTRAL ANGLE OF 31°59'34"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 834.01 FEET; THENCE SOUTH 57°13'13" WEST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1142.91 FEET A CENTRAL ANGLE OF 29°05'50"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 580.42 FEET; THENCE SOUTH 86°19'03" WEST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 850.43 FEET; THENCE SOUTH 03°40'57" EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 86°19'03" WEST, A DISTANCE OF 75.00 FEET (TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD AS RECORDED IN OFFICIAL RECORD BOOK 6342, PAGE 457 OF THE SAID PUBLIC RECORDS; THENCE NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD THE FOLLOWING SEVEN COURSES); THENCE NORTH 03°40'57" WEST, A DISTANCE OF 115.00 FEET; THENCE SOUTH 86°19'03" WEST, A DISTANCE OF 12.00 FEET; THENCE NORTH 03°40'57" WEST, A DISTANCE OF 212.64 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1050.00 FEET AND A CENTRAL ANGLE OF 27°14'26"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 499.21 FEET; THENCE NORTH 23°33'29" EAST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE A DISTANCE OF 825.77 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 994.93 FEET AND A CENTRAL ANGLE OF 47°24'50"; THENCE NORTHEASTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 823.33 FEET; THENCE NORTH 23°51'21" WEST ALONG A LINE TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 983.52 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 4; THENCE NORTH 89°19'28" EAST ALONG SAID NORTH LINE OF SECTION 4, A DISTANCE OF 802.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 213.08 ACRES OF LAND MORE OR LESS.

EXHIBIT "A"



LOCATION MAP

SEC. 3&4, TWP. 45 S, RGE. 42 E

NOT TO SCALE

SITE DESCRIPTION: JOURNEY'S END P.U.D.

A parcel of land situate in Sections 3 & 4, Township 45 South, Range 42 East, Palm Beach County, Florida, being more generally described as follows:

Bounded on the North by the Lake Worth Drainage District L-16 Canal, bounded on the East by Jog Road, bounded on the South by The Falls Country Club and bounded on the West by Hagen Ranch Road.

Containing 213.08 acres of land, more or less.

June 17, 1999

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 9/28/99
DATED at West Palm Beach, Fl. on 10/14/99.
DOROTHY H. WILKEN, Clerk
By: Myrtle A. House D.C.